

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DOE,)	
)	
Plaintiff,)	Case No. 4:23-CV-1312
)	
vs.)	
)	
LESLIE SUTTON,)	JURY TRIAL DEMANDED
)	
Defendant.)	

DEFENDANT LESLIE SUTTON'S ANSWER
TO PLAINTIFF'S SECOND AMENDED COMPLAINT

Comes now Leslie Sutton, by and through counsel Justin A. Hardin, and for her Answer to Plaintiff's Second Amended Complaint states to the court as follows:

PARTIES

1. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 1 of Plaintiff's Petition and therefore denies the same.
2. Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Petition.

JURISDICTION

3. Defendant states that Paragraph 3 of Plaintiff's Petition is a legal conclusion, does not allege any facts, and does not warrant a response from Defendant.

FACTS

4. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 4 of Plaintiff's Petition and therefore denies the same.
5. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 5 of Plaintiff's Petition and therefore denies the same.
6. Defendant admits the allegations contained in Paragraph 6 of Plaintiff's Petition.

7. Defendant admits the allegations contained in Paragraph 7 and subparagraphs a-c of Plaintiff's Petition.

8. Defendant admits that she has posted certain content on various sites, but denies the remaining allegations contained in Paragraph 8 of Plaintiff's Petition.

9. Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Petition.

10. Defendant admits the allegations contained in Paragraph 10 of Plaintiff's Petition.

11. Defendant admits the allegations contained in Paragraph 11 of Plaintiff's Petition.

A. Plaintiff's First Encounter with Defendant

12. Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Petition.

13. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 13 and therefore denies the same.

14. Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Petition.

15. Defendant admits the allegations contained in Paragraph 15 of Plaintiff's Petition.

16. Defendant denies the allegations contained in Paragraph 16 of Plaintiff's Petition.

B. Plaintiff's Second Encounter with Defendant

17. Defendant admits the allegations contained in Paragraph 17 of Plaintiff's Petition.

18. Defendant denies the allegations contained in Paragraph 18 of Plaintiff's Petition.

19. Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Petition.

C. Plaintiff's Discovery of Defendant's Disclosure of Sexual Photographs

20. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 20 of Plaintiff's Petition and therefore denies the same.

21. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 21 of Plaintiff's Petition and therefore denies the same.

22. Defendant admits the allegations contained in Paragraph 22 of Plaintiff's Petition.

23. Defendant admits the allegations contained in Paragraph 23 of Plaintiff's Petition.

24. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 24 of Plaintiff's Petition and therefore denies the same.

25. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 25 and subparagraphs a, b and d of Plaintiff's Petition and therefore denies the same. Defendant admits Paragraph 25, subparagraph c of Plaintiff's Petition.

26. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 26 of Plaintiff's Petition and therefore denies the same.

27. Defendant admits the allegations contained in Paragraph 27 of Plaintiff's Petition.

28. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 28 of Plaintiff's Petition and therefore denies the same.

29. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 29 of Plaintiff's Petition and therefore denies the same.

30. Defendant denies the allegations contained in Paragraph 30 of Plaintiff's Petition.

31. Defendant denies the allegations contained in Paragraph 31 of Plaintiff's Petition.

COUNT I: VIOLATION OF RSMo 573.110

32. Defendant incorporates by reference her Answers to all previous paragraphs 1-31, above, as if fully set forth herein as and for her Answer to Paragraph 32 of Plaintiffs' Petition.

33. Defendant denies the allegations contained in Paragraph 33 of Plaintiff's Petition.

34. Defendant denies the allegations contained in Paragraph 34 of Plaintiff's Petition.

35. Defendant denies the allegations contained in Paragraph 35 of Plaintiff's Petition.

36. Defendant denies the allegations contained in Paragraph 36 of Plaintiff's Petition.

- 37. Defendant denies the allegations contained in Paragraph 37 of Plaintiff's Petition.
- 38. Defendant denies the allegations contained in Paragraph 38 of Plaintiff's Petition.
- 39. Defendant denies the allegations contained in Paragraph 39 of Plaintiff's Petition.
- 40. Defendant denies the allegations contained in Paragraph 40 of Plaintiff's Petition.
- 41. Defendant denies the allegations contained in Paragraph 41 of Plaintiff's Petition.
- 42. Defendant denies the allegations contained in Paragraph 42 of Plaintiff's Petition.
- 43. Defendant denies the allegations contained in Paragraph 43 of Plaintiff's Petition.
- 44. Defendant denies the allegations contained in Paragraph 44 of Plaintiff's Petition.
- 45. Defendant denies the allegations contained in Paragraph 45 of Plaintiff's Petition.

WHEREFORE, Defendant, Leslie Sutton, having fully answered Count I of Plaintiff's Petition, prays to be dismissed with her costs and for whatever other relief this court deems just and appropriate under the circumstances.

COUNT II: VIOLATION OF 15 U.S.C. SECTION 6851

- 46. Defendant incorporates by reference her Answers to all previous paragraphs 1-45, above, as if fully set forth herein as and for her Answer to Paragraph 46 of Plaintiff's Petition.
- 47. Defendant denies the allegations contained in Paragraph 47 of Plaintiff's Petition.
- 48. Defendant denies the allegations contained in Paragraph 48 of Plaintiff's Petition.
- 49. Defendant denies the allegations contained in Paragraph 49 of Plaintiff's Petition.
- 50. Defendant denies the allegations contained in Paragraph 50 of Plaintiff's Petition.
- 51. Defendant denies the allegations contained in Paragraph 51 of Plaintiff's Petition.
- 52. Defendant denies the allegations contained in Paragraph 52 of Plaintiff's Petition.
- 53. Defendant denies the allegations contained in Paragraph 53 of Plaintiff's Petition.
- 54. Defendant denies the allegations contained in Paragraph 54 of Plaintiff's Petition.

55. Defendant denies the allegations contained in Paragraph 55 of Plaintiff's Petition.

56. Defendant denies the allegations contained in Paragraph 56 of Plaintiff's Petition.

57. Defendant denies the allegations contained in Paragraph 57 of Plaintiff's Petition.

58. Defendant denies the allegations contained in Paragraph 58 of Plaintiff's Petition.

59. Defendant denies the allegations contained in Paragraph 59 of Plaintiff's Petition.

WHEREFORE, Defendant, Leslie Sutton, having fully answered Count II of Plaintiff's Petition, prays to be dismissed with her costs and for whatever other relief this court deems just and appropriate under the circumstances.

COUNT III: INTRUSION UPON SECLUSION

60. Defendant incorporates by reference her Answers to all previous paragraphs 1-59, above, as if fully set forth herein as and for her Answer to Paragraph 60 of Plaintiff's Petition.

61. Defendant denies the allegations contained in Paragraph 61 of Plaintiff's Petition.

62. Defendant denies the allegations contained in Paragraph 62 of Plaintiff's Petition.

63. Defendant denies the allegations contained in Paragraph 63 of Plaintiff's Petition.

64. Defendant denies the allegations contained in Paragraph 64 of Plaintiff's Petition.

65. Defendant denies the allegations contained in Paragraph 65 of Plaintiff's Petition.

66. Defendant denies the allegations contained in Paragraph 66 of Plaintiff's Petition.

67. Defendant denies the allegations contained in Paragraph 67 of Plaintiff's Petition.

68. Defendant denies the allegations contained in Paragraph 68 of Plaintiff's Petition.

69. Defendant denies the allegations contained in Paragraph 69 of Plaintiff's Petition.

70. Defendant denies the allegations contained in Paragraph 70 of Plaintiff's Petition.

71. Defendant denies the allegations contained in Paragraph 71 of Plaintiff's Petition.

72. Defendant denies the allegations contained in Paragraph 72 of Plaintiff's Petition.

WHEREFORE, Defendant, Leslie Sutton, having fully answered Count III of Plaintiff's Petition, prays to be dismissed with her costs and for whatever other relief this court deems just and appropriate under the circumstances.

COUNT IV: PUBLIC DISCLOSURE OF PRIVATE FACTS

73. Defendant incorporates by reference her Answers to all previous paragraphs 1-72, above, as if fully set forth herein as and for her Answer to Paragraph 73 of Plaintiff's Petition.

74. Defendant denies the allegations contained in Paragraph 74 of Plaintiff's Petition.

75. Defendant denies the allegations contained in Paragraph 75 of Plaintiff's Petition.

76. Defendant denies the allegations contained in Paragraph 76 of Plaintiff's Petition.

77. Defendant denies the allegations contained in Paragraph 77 of Plaintiff's Petition.

78. Defendant denies the allegations contained in Paragraph 78 of Plaintiff's Petition.

79. Defendant denies the allegations contained in Paragraph 79 of Plaintiff's Petition.

80. Defendant denies the allegations contained in Paragraph 80 of Plaintiff's Petition.

81. Defendant denies the allegations contained in Paragraph 81 of Plaintiff's Petition.

82. Defendant denies the allegations contained in Paragraph 82 of Plaintiff's Petition.

83. Defendant denies the allegations contained in Paragraph 83 of Plaintiff's Petition.

84. Defendant denies the allegations contained in Paragraph 84 of Plaintiff's Petition.

85. Defendant denies the allegations contained in Paragraph 85 of Plaintiff's Petition

WHEREFORE, Defendant, Leslie Sutton, having fully answered Count IV of Plaintiff's Petition, prays to be dismissed with her costs and for whatever other relief this court deems just and appropriate under the circumstances.

COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

86. Defendant incorporates by reference her Answers to all previous paragraphs 1-85 above, as if fully set forth herein as and for her Answer to Paragraph 86 of Plaintiff's Petition.

87. Defendant denies the allegations contained in Paragraph 87 of Plaintiff's Petition.

88. Defendant denies the allegations contained in Paragraph 88 of Plaintiff's Petition.

89. Defendant denies the allegations contained in Paragraph 89 of Plaintiff's Petition.

90. Defendant denies the allegations contained in Paragraph 90 of Plaintiff's Petition.

91. Defendant denies the allegations contained in Paragraph 91 of Plaintiff's Petition.

92. Defendant denies the allegations contained in Paragraph 92 of Plaintiff's Petition.

93. Defendant denies the allegations contained in Paragraph 93 of Plaintiff's Petition.

94. Defendant denies the allegations contained in Paragraph 94 of Plaintiff's Petition.

WHEREFORE, Defendant, Leslie Sutton, having fully answered Count V of Plaintiff's Petition, prays to be dismissed with her costs and for whatever other relief this court deems just and appropriate under the circumstances.

COUNT VI: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

95. Defendant incorporates by reference her Answers to all previous paragraphs 1-94 above, as if fully set forth herein as and for her Answer to Paragraph 95 of Plaintiff's Petition.

96. Defendant denies the allegations contained in Paragraph 96 of Plaintiff's Petition.

97. Defendant denies the allegations contained in Paragraph 97 of Plaintiff's Petition.

98. Defendant denies the allegations contained in Paragraph 98 of Plaintiff's Petition.

99. Defendant denies the allegations contained in Paragraph 99 of Plaintiff's Petition.

100. Defendant denies the allegations contained in Paragraph 100 and subparagraphs a-d of Plaintiff's Petition.

101. Defendant denies the allegations contained in Paragraph 101 of Plaintiff's Petition.

102. Defendant denies the allegations contained in Paragraph 102 of Plaintiff's Petition.

103. Defendant denies the allegations contained in Paragraph 103 of Plaintiff's Petition.

104. Defendant denies the allegations contained in Paragraph 104 of Plaintiff's Petition.

105. Defendant denies the allegations contained in Paragraph 105 of Plaintiff's Petition.

106. Defendant denies the allegations contained in Paragraph 106 of Plaintiff's Petition.

WHEREFORE, Defendant, Leslie Sutton, having fully answered Count VI of Plaintiff's Petition, prays to be dismissed with her costs and for whatever other relief this court deems just and appropriate under the circumstances.

Affirmative Defenses

1. Plaintiff's Petition fails to state a cognizable cause of action.

2. Plaintiff's Petition is barred to the extent any of the conduct alleged, if it occurred at all, occurred entirely with Plaintiff's consent or under circumstances where it was reasonable for Defendant to believe she acted with Plaintiff's consent.

3. Plaintiff's claims are barred under the doctrine of equitable estoppel and unclean hands.

4. Plaintiff's claims are frivolous and entitle Defendant to an order requiring Plaintiff to pay Defendant's reasonable attorney's fees and expenses incurred in defense of this action.

5. Defendant reserves the right to assert each and every other affirmative defense which is identified during further proceedings.

/s/ Justin A. Hardin

Justin A. Hardin, #57555MO
BROWN & JAMES, P.C.
800 Market Street, Suite 1100
St. Louis, MO 63101
Phone: (314) 421-3400
Fax: (314) 421-3128
jhardin@bjpc.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served by the Court's electronic filing system on this 12th day of December, 2023, on the counsel of record listed below.

Joseph A. Ott
Mark E. Blankenship, Jr.
3544 Oxford Blvd.
Maplewood, MO 6343
joe@ott.law
mark@ott.law
Attorneys for Plaintiff

/s/ Justin A. Hardin

Justin A. Hardin, #57555MO

29650094.1